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E-filed: 8/2/10

8
 9 **UNITED STATES BANKRUPTCY COURT**
 10 **DISTRICT OF NEVADA**

11 **In Re:**) **CASE NO. 08-24208 BAM**
 12) **CHAPTER 13**
 13)
 14 **JEFFREY ABAD,**) **AMENDED MOTION TO APPROVE**
 15 **GRACE ABAD,**) **MORTGAGE LOAN MODIFICATION**
 16)
 17) **Date of Hearing: 8/12/10**
 18 **Debtors.**) **Time of Hearing: 2:30 P.M.**
 19)
 20)

21 COME NOW Debtors, JEFFREY and GRACE ABAD, by and through their attorney,
 22 PHILIP K. GOLDSTEIN, ESQ. of the LAW OFFICES OF PHILIP K. GOLDSTEIN, LTD., and
 23 move this Court for an Order Approving Debtors' Mortgage Loan Modification regarding
 24 Creditor, America's Servicing Co., and Debtors' property located at 5129 Ruby Sunset St. N.
 25 Las Vegas, Nevada, 89031.

26 1. On or about November 26, 2009, Debtors filed a Voluntary Petition under
 27 Chapter 13, Title 11, of the United States Code. The Plan #1 was confirmed on or about May 26,
 28 2009.

29 2. On or about November 10, 2009, Debtors began the loan modification process
 30 with their mortgage company, ASC (America's Servicing Co.).

31 3. The approval of the mortgage loan modification is contingent upon approval from
 32 the Bankruptcy Court. (See Letter from ASc Mortgage regarding approval of loan modification
 33 attached hereto as "Exhibit 1").

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4. Debtors' current mortgage payment is \$2,212 with an interest rate of 7.125%.
5. The new mortgage payment is expected to be \$2,274 per month with a fixed interest rate of 6%. (See Statement from ASC attached hereto as "Exhibit 2").

WHEREFORE, Debtors pray that this Court approves the terms of this modification and enters an Order Approving Mortgage Loan Modification.

DATED: This 2nd day of August, 2010.

Respectfully Submitted by:

LAW OFFICES OF PHILIP K. GOLDSTEIN, LTD.

/s/ Philip K. Goldstein, Esq.
PHILIP K. GOLDSTEIN, ESQ.
Attorney for Debtors

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EXHIBIT 1



June 10, 2010

JEFFREY P ABAD
GRACE C ABAD
5129 RUBY SUNSET ST
NORTH LAS VEGAS NV 89031

Re: Jeffrey P. & GRACE C. ABAD

Case # 08-24208

LOAN# 106-1351001166

RE: MODIFICATION DOCUMENTS, 2nd ATTEMPT

Dear Sir or Madam:

ASC previously obtained consent from your attorney's office to discuss workout options. ASC was able to offer a plan that we hoped is feasible and agreeable to both parties. Attached is a copy of the modification proposal.

This letter is a follow up request to determine the status of the bankruptcy court consent.

We are unable to process the modification without written consent from the bankruptcy court. The modification documents will be invalid and the request closed if no response is received within the next 10 business days.

Please advise as to the status of the attorneys and bankruptcy courts decision.

THE APPROVAL IS CONTINGENT ON COURT CONSENT OR RELEASE OF THE CASE.

Please call me at the number listed below, should you have any questions. I can also be reached by email at Mary.Euell@Wellsfargo.com

I thank you for your time and support in this case.

Sincerely,

Mary Euell

Cc PHILIP K GOLDSTEIN

EXHIBIT 2



June 11, 2010

JEFFREY P ABAD
 GRACE C ABAD
 5129 RUBY SUNSET ST
 NORTH LAS VEGAS NV 89031

NAME: JEFFREY P ABAD
 CASE: 08-24208
 LOAN: 106- 1351001166

Dear Sir or Madam:

ASC previously obtained consent from your office to discuss workout options with the above referenced mortgagor(s). This letter is to advise that ASC is able to offer the mortgagors a plan that we hope is feasible and agreeable to both parties.

CURRENT TERMS		Proposed Modified Terms	
Current UPB	\$297,895.66	Modified UPB	\$307,768.29
Current Maturity Date	07/01/2036	Modified Mortgage Term	312
Current Interest Rate	7.125%	Interest Rate	6.000%
Current Payment Due Date	03/01/10	Post Modification Due Date	08/01/10
Current P & I	\$1,768.76	Post Modification P & I	\$1,950.26
Current Payment Amount	\$ 1,149.38	Estimated Modified Payment amount	\$ 2,274.40
Amount Capitalizing	\$ 9,872.63	Contribution Required	\$ 565.32

Please review the proposal with your client. If the terms meet your approval as, in the best interest of your client, proceed by filing a petition with the bankruptcy court to gain their consent to modify the first mortgage. When written consent is obtained it should be forwarded to my attention. Once received, we will generate the loan

documents to you for original signatures. ASC will then withdraw any proof of claim in this case and process the modification as noted.

If the case has already closed, forward our office a copy of the release. If the terms are not satisfactory to you, please contact us and we will close the file with no further actions.

THE APPROVAL IS CONTINGENT ON COURT CONSENT OR RELEASE OF THE CASE.

With regards to a chapter 7 bankruptcy, due to the variance in requirements from district to district, ASC does not have a standard reaffirmation agreement to extend. If your client intends to reaffirm, please provide us with your district specific agreement. We will complete the required entries and return to your office for the required undue hardship analysis and filing with the respective court.

Please call me at the number listed below, should you have any questions. I can also be reached by email at MARY.EUELL@WELLSFARGO.COM.

I thank you for your time and support in this case.

SINCERELY,

MARY EUELL

Cc: PHILIP K GOLDSTEIN